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Case No. 100-7730

DECLARATION AND POWER OF ATTORNEY FOR  
UNITED STATES PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a United States patent is sought on the invention entitled

IMPROVED USE OF  $\beta_2$  BRONCHODILATOR DRUGS

the specification of which

☒ [ X ] is attached hereto.

☐ [ ] was filed on \_\_\_\_\_, 19\_\_\_\_ as application Serial No. 0\_\_\_\_\_ and, if these brackets contain an X [ ], was amended on \_\_\_\_\_

☐ [ ] was filed as Patent Cooperation Treaty international application No. \_\_\_\_\_ on \_\_\_\_\_, 19\_\_\_\_, if these brackets contain an X [ ], was amended under Patent Cooperation Treaty Article 19 on \_\_\_\_\_, 19\_\_\_\_, and, if these brackets contain an X [ ], was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge my duty to disclose all information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate indicated below and of any Patent Cooperation Treaty international application(s) designating at least one country other than the United States indicated below and have also identi-

fied below any foreign application(s) for patent or inventor's certificate and Patent Cooperation Treaty international application(s) designating at least one country other than the United States for the same subject matter and having a filing date before that of the application for said subject matter the priority of which is claimed:

<u>Country</u>	<u>Number</u>	<u>Filing Date</u>	<u>Priority Claimed</u>
Great Britain	9107196.9	April 5, 1991	[X] Yes [ ] No
			[ ] Yes [ ] No
			[ ] Yes [ ] No
			[ ] Yes [ ] No
			[ ] Yes [ ] No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and of any Patent Cooperation Treaty international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in said prior application(s) in the manner required by the first paragraph of Title 35, United States Code, §112, I acknowledge my duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date(s) of the prior application(s) and the national or Patent Cooperation Treaty international filing date of this application:

<u>Application</u>	<u>Filed</u>	<u>Status (Pending, Abandoned, Patented)</u>
<u>Serial No.</u>		
none		

I hereby appoint the following:

GERALD D. SHARKIN	Reg. No. 19,411
ROBERT S. HONOR	Reg. No. 22,801
RICHARD E. VILA	Reg. No. 20,728
WALTER F. JEWELL	Reg. No. 24,414
THOMAS O. MCGOVERN	Reg. No. 25,741
MELVYN M. KASSENOFF	Reg. No. 26,389
JOSEPH J. BOROVIAN	Reg. No. 26,631
DIANE E. FURMAN	Reg. No. 31,104
CARL W. BATTLE	Reg. No. 30,731
THOMAS C. DOYLE	Reg. No. 22,340

respectively and individually, as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Please address all communications to GERALD D. SHARKIN, SANDOZ CORPORATION, 59 Route 10, East Hanover, New Jersey 07936-1080, whose telephone number is 201-503-8485.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

Sole inventor or

first joint inventor:	Full name	: John Morley
	Signature	: <u>pp Jor M</u>
	Date	: 17 March 1992
	Citizenship	: Great Britain
	Residence	: Schweizerastrasse 11, CH-4132 Muttensz, Switzerland
	P.O. Address	: same as above

IMPORTANT: Before this declaration is signed, the patent application (the specification, the claims and this declaration) must be read and understood by each person signing it, and no changes may be made in the application after this declaration has been signed.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Morley, John	Docket No.:	0701.079H
Serial No.:	not yet assigned	Group Art Unit:	not yet assigned
Filed:	herewith	Examiner:	not yet assigned
Title:	USE OF $\beta_2$ BRONCHODILATOR DRUGS		

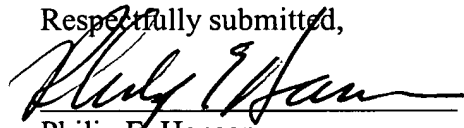
To: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

APPOINTMENT OF ASSOCIATE ATTORNEY

Sir:

The undersigned agent, who was granted Power of Attorney in a prior application, U.S. Serial Number 08/382,744, hereby appoints Kathy Smith Dias, Registration No. 41,707, of Heslin Rothenberg Farley & Mesiti P.C., 5 Columbia Circle, Albany, New York 12203 as his associate attorney to prosecute the present application and any and all divisions or continuations thereof, and to transact all business in the Patent and Trademark Office in connection therewith.

Respectfully submitted,



Philip E. Hansen  
Registration No. 32,700

Dated: April 9, 2004

Heslin Rothenberg Farley & Mesiti P.C.  
5 Columbia Circle  
Albany, New York 12203  
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PATENT APPLICATION  
DOCKET NO.: SPC92-02A2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John Morley  
Serial No.: 08/382,744 Group Art Unit: 1205  
Filed: February 2, 1995 Examiner: R. Cook  
Title: IMPROVED USE OF  $\beta_2$  BRONCHODILATOR DRUGS

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
on <u>6/27/96</u>	<u>B. J. Nannis</u>
Date	Signature
Barbara J. Nannis	
Typed or printed name of person signing certificate	

REVOCATION OF POWERS OF ATTORNEY  
AND APPOINTMENT OF NEW ATTORNEYS

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Sir:

Sepracor, Inc., a Corporation duly organized under the laws of the State of Delaware, is the assignee of the above-identified application. Sepracor, Inc. hereby appoints

Philip E. Hansen	Registration No. 32,700
Robert E. Heslin	Registration No. 24,778
Jeff Rothenberg	Registration No. 26,429
Martha L. Boden	Registration No. 39,115

all of Heslin & Rothenberg, P.C., 5 Columbia Circle, Albany, New York 12203, as attorneys to prosecute the above-

identified application and any divisions or continuations thereof and to conduct all business in the United States Patent and Trademark Office. All previously granted Powers of Attorney are hereby revoked.

Certification under 37 C.F.R. §3.73(b) is submitted herewith.

All correspondence should be sent to Philip E. Hansen, Esq., Heslin & Rothenberg, P.C., 5 Columbia Circle, Albany, New York 12203. Please direct all telephone calls to (518) 452-5600.

Respectfully submitted,  
SEPRACOR, INC.

By Douglas E. Reedich

Douglas E. Reedich

Title Assistant Secretary

Date 21 June 1996